

~~ATTORNEY-CLIENT PRIVILEGE~~

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*Michele M. CUDAHY*  
*mmc@hueschen-sage.us*

FAX TRANSMISSION

- 8 NOV 2006

CONFIDENTIALITY NOTICE

Legal Staff  
International Division

The information contained in this facsimile transmission is CONFIDENTIAL INFORMATION WHICH ALSO MAY BE LEGALLY PRIVILEGED, intended only for the use of the individual or entity named below. Unauthorized use, disclosure or copying is strictly prohibited and may be unlawful. If you have received this communication in error, please immediately notify us by telephone and return this original message to us at the above Kalamazoo address via the United States Postal Service. Thank you.

DATE: November 8, 2006

TO: Richard ROSS

FAX NO.: 571 273 0459

FROM: HUESCHEN AND SAGE

FAX NO.: 269-382-2030

RE: US Serial No.: 10/566,106 filed January 26, 2006; MERZ 48 PCT US;  
NOTIFICATION OF DEFECTIVE RESPONSE dated November 1, 2006.NO. OF PAGES INCLUDING COVER SHEET: 5

Dear Mr. ROSS:

With regard to the above-identified application and notification, we believe that we have received this notice in error. Please find a copy of the forms PCT/IB/306 filed in the international application PCT/IB2004/003043, which forms are also present in the image file wapper (IFW) available through private PAIR on the USPTO website. As indicated on the forms PCT/IB/306, inventors Angelika MOLLEMANN and Michael ALTHAUS were deleted in the international application; thus, the Declaration/Power of Attorney filed on July 5, 2006 is correct.

Thank you very much for your assistance in this matter.

Very truly yours,

THE FIRM OF HUESCHEN AND SAGE

By:



Michele M. CUDAHY

Enclosure: Forms PCT/IB/306 – 2 pages  
 USPTO NOTIFICATION OF DEFECTIVE RESPONSE – 2 pages

SEVENTH FLOOR • KALAMAZOO BUILDING • 107 WEST MICHIGAN AVENUE • KALAMAZOO, MICHIGAN 49007 USA  
 PHONE: 269.382.0030 • FAX: 269.382.2030 • INFO@HUESCHEN-SAGE.US

BEST AVAILABLE COPY

## PATENT COOPERATION TREATY

PCT

NOTIFICATION OF THE RECORDING  
OF A CHANGE(PCT Rule 92bis.1 and  
Administrative Instructions, Section 422)Date of mailing (day/month/year)  
21 June 2005 (21.06.2005)Applicant's or agent's file reference  
408.86811.jcmInternational application No.  
PCT/IB2004/003043

From the INTERNATIONAL BUREAU

To:

MARSDEN, John, Christopher  
Frank B. Dehn & Co.  
179 Queen Victoria Street  
London EC4V 4EL  
United Kingdom

11 JUL 2005

Frank B. Dehn & Co.  
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## IMPORTANT NOTIFICATION

International filing date (day/month/year)  
28 July 2004 (28.07.2004)1. The following indications appeared on record concerning:  
 the applicant     the inventor     the agent     the common representative

Name and Address

State of Nationality	State of Residence
Telephone No.	
Facsimile No.	
Teleprinter No.	

2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning:  
 the person     the name     the address     the nationality     the residence

Name and Address

State of Nationality	State of Residence
Telephone No.	
Facsimile No.	
Teleprinter No.	

3. Further observations, if necessary:  
Applicant/inventor ALTHAUS, Michael has to be deleted.4. A copy of this notification has been sent to: the receiving Office  
 the International Searching Authority  
 the International Preliminary Examining Authority the designated Offices concerned  
 the elected Offices concerned  
 other:The International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

Facsimile No. (41-22) 338.70.60

Authorized officer

Nadia Guigard (Fax : 4122 338 70 60)

Form PCT/IB/306 (March 1994)

Telephone No. (41-22) 338 8324

006722693

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## PATENT COOPERATION TREATY

PCT

NOTIFICATION OF THE RECORDING  
OF A CHANGE(PCT Rule 92bis.1 and  
Administrative Instructions, Section 422)Date of mailing (day/month/year)  
21 June 2005 (21.06.2005)Applicant's or agent's file reference  
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PCT/IB2004/003043

From the INTERNATIONAL BUREAU

To:

MARSDEN, John, Christopher  
Frank B. Dehn & Co.  
179 Queen Victoria Street  
London EC4V 4EL  
United Kingdom

File No. 1148 - 3691

11 JUL 2005

Frank B. Dehn & Co.  
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## IMPORTANT NOTIFICATION

International filing date (day/month/year)  
28 July 2004 (28.07.2004)1. The following indications appeared on record concerning:  
 the applicant     the inventor     the agent     the common representative

Name and Address

State of Nationality	State of Residence
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 the person     the name     the address     the nationality     the residence

Name and Address

State of Nationality	State of Residence
Telephone No.	
Facsimile No.	
Teleprinter No.	

3. Further observations, if necessary:  
Applicant/inventor MOLLEMANN, Angelika has to be deleted.4. A copy of this notification has been sent to: the receiving Office  
 the International Searching Authority  
 the International Preliminary Examining Authority the designated Offices concerned  
 the elected Offices concerned  
 other:The International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, SwitzerlandFacsimile No. (41-22) 338.70.60  
Form PCT/IB/306 (March 1994)

Authorized officer

Nadia Guigard (Fax : 4122 338 70 60)  
Telephone No. (41-22) 338 8324

006722692



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/566,106	Walter Magerl	MERZ 48 PCT US
		INTERNATIONAL APPLICATION NO.
		PCT/IB04/03043
		I.A. FILING DATE      PRIORITY DATE
		07/28/2004      07/28/2003

25666  
**THE FIRM OF HUESCHEN AND SAGE**  
 SEVENTH FLOOR, KALAMAZOO BUILDING  
 107 WEST MICHIGAN AVENUE  
 KALAMAZOO, MI 49007



Missing Parts  
 December 1 2006

Date Mailed: 11/01/2006

**CONFIRMATION NO. 9524**  
**371 FORMALITIES LETTER**  
  
 \*OC000000021055532\*

## NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- o Priority Document
- o Copy of the International Application filed on 01/26/2006
- o Copy of the International Search Report filed on 01/26/2006
- o Copy of IPE Report filed on 01/26/2006
- o Preliminary Amendments filed on 01/26/2006
- o Information Disclosure Statements filed on 01/26/2006
- o Oath or Declaration filed on 07/10/2006
- o Request for Immediate Examination filed on 01/26/2006
- o U.S. Basic National Fees filed on 01/26/2006
- o Priority Documents filed on 01/26/2006
- o Specification filed on 01/26/2006
- o Claims filed on 01/26/2006
- o Abstracts filed on 01/26/2006

RECEIVED - 07/10/2006  
 U.S. PATENT AND TRADEMARK OFFICE  
 7700 PARK ST.  
 ALEXANDRIA, VA 22313-1450

THE ATTORNEY  
 HUESCHEN AND SAGE

Applicant's response filed 07/10/2006 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 05/10/2006 have not been completed.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- o Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - The fourth inventor, Michael Althaus, did not sign the declaration.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR

1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5).

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

WINSTON M ALVARADO

Telephone: (703) 308-9140 EXT 206

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/566,106	PCT/IB04/03043	MERZ 48 PCT US

FORM PCT/DO/EO/916 (371 Formalities Notice)

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\*\*\* RX REPORT \*\*\*  
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RECEPTION OK

TX/RX NO	6885
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RESULT	OK